

Appl. No. 09/831,281  
Amtd. Dated October 14, 2005  
Reply to Office action of August 19, 2005  
Attorney Docket No. P09816/027566-028  
EUS/J/P/05-6184

## REMARKS/ARGUMENTS

### **1.) Claim Amendments**

The Applicant has amended Claims 1 and 9; Claim 2 has been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1, and 3-9 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 3-6, and 9 under 35 U.S.C. § 102(b) as being anticipated by Szviatovski. (International Publication #WO 96/38018). The Applicant respectfully traverses the Examiner rejection and submits the following remarks for the Examiner's favorable reconsideration.

After stating that each and every element of claims 1 and 9 is anticipated by the Szviatovski reference (paragraph 4 of the office action), the Examiner then stated that even though "Szviatoski does not teach of 'maintaining a record' and 'identifying circuit switched communication channels.... and allocated to said ISP,' the gateway must be storing routing information and an allocation of channel must occur to allow connection between the exchange and the data network, and that the transfer of data between the exchange and the data network, as being done by Szviatovski" (paragraph 19 of the office action). The Applicant respectfully submits that the Examiner may believe that there is only one type of connection (channel) between the switch and the ISP and that it is the gateway that maintains and controls that connection therebetween. However, in the present application, there are two different types of connections. There is the circuit switched communication channels established between the switch and the ISP for transporting data therebetween. Additionally, there is a second connection for transporting signaling messages between the switch and the ISP via a gateway (Fig. 1 of the present application where there is a connection between the switch 2 and the gateway 7, and another connection between the switch 2 and the ISP 4). The Applicant therefore submits that such channels for communicating data (voice) are actually established between the exchange and the ISP without going through the gateway.

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However, in accordance with the teachings of the present invention, signaling messages for allocating and controlling circuit switched communication channels between the switch and the ISP are routed by the gateway wherein the gateway basically performs two different functions.

The first function within the presently claimed gateway is the conventional signaling "translation" function for converting a first protocol message to a second protocol message. As an illustration, the first function includes converting between an ISUP signal transmitted by an SS7 network to an IP signal recognizable by the ISP. This is the translation function disclosed in the Sziyatovski reference. However, the presently claimed gateway further performs the second function wherein for those signaling messages transmitted from the ISP to the switch, the gateway confirms the right of that ISP to control a particular circuit switched communication channel identified in the received message. Accordingly, the gateway maintains a record identifying those circuit switched communication channels established between a particular exchange and a particular ISP. By reviewing the circuit switched communication channel identified in a signaling message received from an ISP against its record, the gateway is then able to confirm that ISP has the right to control that particular channel.

The Applicant submits that such steps of "maintaining a record at the signaling gateway identifying those circuit switched communication channels established between the exchange and the ISP" and "for each of signaling messages received at the signaling gateway from the ISP, confirming the right of that ISP to control a circuit switched communication channel identified in the received messages by reviewing the record" are not disclosed or taught by Sziyatovski. In that regard, the Examiner incorrectly cited page 7, lines 27-31 and page 9, lines 19-21 of Sziyatovski as allegedly disclosing or teaching the above recited steps. However, the Applicant respectfully submits that those portions of Sziyatovski merely show a translation function (the first function as described above) between an ATM network signal and an ISDN network signal and fail to disclose the recited step of confirming whether that ISP has the right to control a particular circuit switched communication channel identified in the received message (the second function as described above.).

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The Examiner further rejected the pending independent claims by stating that "the gateway must be storing routing information and an allocation of channel must occur to allow connection between the exchange and the data network." The Applicant respectfully submits that merely storing routing information within a gateway would not enable the gateway to determine whether a particular circuit switched communication channel identified in a signaling message can be controlled by that particular ISP. Accordingly, as fully disclosed in the Background of the Present Invention, without the gateway performing such a "confirmation function" in accordance with the present invention, one ISP could inadvertently transmit a signaling message with a wrong channel id thereby erroneously controlling or interfering with a channel assigned to a different ISP. For example, the gateway in Sziatovski or other conventional gateway would merely translate and forward the received message and all its contents (including the channel id) without confirming the right of such ISP to control that particular channel thereby potential creating the channel-interference problem.

Accordingly, the Applicant respectfully submits that Sziatovski fails to anticipate or render obvious the presently pending independent claims and a Notice of Allowance is respectfully requested. The rest of the claims depend on now allowable independent Claim 1 and recite additional limitations thereto. As a result, a Notice of Allowance for those claims is respectfully requested as well.

### 3.) Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Sziatovski in view of Brockman (US 6,529,594). The Applicant submits that Brockman, independently or in combination with Sziatovski, likewise fails to anticipate or render obvious each and every element recited by independent Claim 1. Since claims 7 and 8 are dependent on now allowable claim 1, the Applicant believes that those claims are patentable over the cited references.

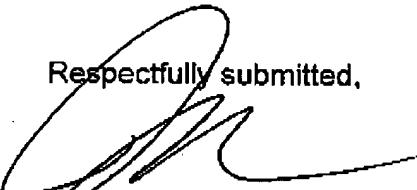
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### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

  
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